

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 266

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; MAKING CHANGES TO THE ADMINISTRATION OF THE INTERLOCK DEVICE FUND; AMENDING A SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002, Chapter 82, Section 2) is amended to read:

"66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on all persons who provide ignition interlock devices to ~~[persons]~~ a person convicted of driving while under the influence of intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the Implied Consent Act, in the amount of ten percent of the amount

. 145908. 3

underscored material = new  
[bracketed material] = delete

1 charged to lease, install, service and remove each ignition  
2 interlock device ~~[to]~~ for a person convicted pursuant to ~~[that~~  
3 ~~section]~~ Section 66-8-102 NMSA 1978 or whose driver's license  
4 is revoked pursuant to the provisions of the Implied Consent  
5 Act and shall be paid monthly to the local government division  
6 of the department of finance and administration.

7 B. The "interlock device fund" is created in the  
8 state treasury. The fee imposed pursuant to Subsection A of  
9 this section shall be distributed to the fund by the local  
10 government division of the department of finance and  
11 administration.

12 C. All money in the interlock device fund is  
13 appropriated to the local government division of the department  
14 of finance and administration to cover the costs of installing,  
15 ~~[and]~~ leasing for the initial four months and removing ignition  
16 interlock devices ~~[to]~~ for indigent people who are required,  
17 pursuant to convictions under Section 66-8-102 NMSA 1978 or  
18 driver's license revocations pursuant to the provisions of the  
19 Implied Consent Act, to install those devices in their  
20 vehicles. Indigency shall be determined by the sentencing  
21 court.

22 D. Any balance remaining in the interlock device  
23 fund shall not revert to the general fund at the end of any  
24 fiscal year.

25 E. The interlock device fund shall be administered

1 by the local government division of the department of finance  
2 and administration. "

3 Section 2. APPROPRIATION.--Three hundred thousand dollars  
4 (\$300,000) is appropriated from the local DWI grant fund to the  
5 interlock device fund for expenditure in fiscal year 2003 and  
6 subsequent fiscal years to cover the cost of installing and  
7 removing ignition interlock devices for indigent people who are  
8 required, pursuant to convictions under Section 66-8-102 NMSA  
9 1978 or driver's license revocations pursuant to the provisions  
10 of the Implied Consent Act, to install those devices in their  
11 motor vehicles. Any unexpended or unencumbered balance  
12 remaining at the end of any fiscal year shall not revert to the  
13 local DWI grant fund.

14 Section 3. EMERGENCY.--It is necessary for the public  
15 peace, health and safety that this act take effect immediately.